

1 BEFORE THE
2 POLLUTION CONTROL HEARINGS BOARD
 STATE OF WASHINGTON

3 IN THE MATTER OF)
4 SEATTLE RENDERING WORKS, INC.,)
 Appellant,)
5)
6 v.)
)
7 PUGET SOUND AIR POLLUTION)
 CONTROL AGENCY,)
 Respondent.)
8)
9 _____

PCHB No. 79-6

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

10 This matter, the appeal of two \$250 civil penalties for odor
11 allegedly in violation of respondent's Section 9.11(a) of Regulation I,
12 came on for hearing before the Pollution Control Hearings Board,
13 Dave J. Mooney, Chairman and Chris Smith, Member, convened at
14 Seattle, Washington on March 27, 1979. Hearing examiner William A.
15 Harrison presided. Respondent elected a formal hearing pursuant
16 to RCW 43.21B.230.

17 Appellant appeared by its president, W. W. Benefiel. Respondent
18 appeared by its attorney, Keith D. McGoffin. Olympia reporter

WAH/LB

1 Susan Cookman recorded the proceedings.

2 Testimony was taken and exhibits were examined. From these,
3 the Pollution Control Hearings Board makes these

4 FINDINGS OF FACT

5 I

6 Respondent, pursuant to RCW 43.21E.260, has filed with this
7 Board a certified copy of its Regulation I containing respondent's
8 regulations and amendments thereto of which official notice is taken.

9 II

10 Appellant has received two Notices and Orders of Civil Penalty,
11 \$250 each, citing violation of respondent's Section 9.11(a) in that
12 odor from appellant's rendering plant caused detriment to persons
13 at two separate addresses on December 20, 1978. Appellant stipulates
14 that its odor emissions caused the cited detriment.

15 III

16 About 1-1/2 years ago, appellant installed new equipment for
17 cooking and grinding the meat products which it renders. This
18 equipment was installed at a cost of approximately 1-1/2 million
19 dollars and some 25 to 30% of this was for the purpose of controlling
20 air pollution, primarily odor. When operated properly and without
21 mishap this equipment is capable of controlling odors.

22 On December 20, 1978, the date in question, respondent's inspector
23 investigated the rendering plant in response to citizen complaints. The
24 inspector detected an intense odor, and brought it to appellant's
25 attention. Then the appellant increased its use of odor controlling
26 chemical accordingly, and controlled the odor until the end of that

27 FINAL FINDINGS OF FACT,
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1 processing run. Later that day, appellant discovered that the
2 entrainment trap of the equipment had become unexpectedly plugged, with
3 the result that the amount of odor entering the odor control apparatus
4 (a "scrubber") increased five-fold. The appellant reported to respondent
5 the causes of the odor mishap.

6 IV

7 The cause of clogage in the entrainment trap, which caused this
8 odor, is unknown. Appellant could not predict the clogage. Since this
9 incident, however, the entrainment trap is inspected for clogage each
10 week. Also, chlorine levels in the odor removing sequence are now
11 believed to be indicators of odor control, and these levels are now
12 checked twice each shift.

13 V

14 Any Conclusion of Law which should be deemed a Finding of Fact
15 is hereby adopted as such.

16 From these Findings, the Board comes to these

17 CONCLUSIONS OF LAW

18 I

19 Appellant violated respondent's Section 9.11(a) of Regulation I
20 upon two separate occasions on December 20, 1978 by causing detriment
21 to the welfare of other persons with its odor emissions.

22 II

23 Because of the very substantial improvements which appellant
24 has made in an effort to control odors, the cooperative spirit with
25 which appellant made its report to respondent on causes of this
26 mishap, and the difficulty of foreseeing this mishap coupled with the
27 efforts since then to avoid reoccurrence, the penalties assessed should

1 be mitigated by suspension in part.

2 III

3 Any Finding of Fact which should be deemed a Conclusion of Law
4 is hereby adopted as such.

5 From these Conclusions the Board enters this


6 ORDER

7 The two \$250 civil penalties are affirmed; provided however,
8 that \$200 of each penalty (Total \$400) is suspended on condition
9 that appellant not violate respondent's Regulations for a period
10 of one year from the date of appellant's receipt of this Order.
11 The remainder of the penalties (Total \$100) is affirmed absolutely.

12 DATED this 20th day of April, 1979.

13 POLLUTION CONTROL HEARINGS BOARD

14 
15 DAVE J. MOONEY, Chairman

16 
17 CHRIS SMITH, Member
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26 FINAL FINDINGS OF FACT,
27 CONCLUSIONS OF LAW
AND ORDER